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8 Suk Hyon Kim, Kihoon Kang, Kevin Kim, and You Rim Park

FILED & ENTERED

JUL 10 2017

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

CHANGES MADE BY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

11 In re:

12 RAMA KRISHNA CHAPARALA,

13 Debtor.

Case No.: **2:16-bk-15692-RK**

Chapter 7

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO VACATE
ORDER GRANTING OMNIBUS
MOTION OF HOWARD M.
EHRENBURG, CHAPTER 7 TRUSTEE,
FOR ENTRY OF ORDER
AUTHORIZING EXAMINATIONS
PURSUANT TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

~~[No hearing required per Federal Rules of
Bankruptcy Procedure Rule 9024]~~

20 On June 7, 2017, Howard M. Ehrenberg, in his capacity as the Chapter 7 trustee (the
21 “Ehrenberg”) duly appointed in the above-captioned bankruptcy case of debtor Rama Krishna
22 Chaparala (the “Debtor”), filed the Omnibus Motion for Entry of Order Authorizing
23 Examinations Pursuant to Federal Rule of Bankruptcy Procedure 2004 [Docket No. 124] (the
24 “Omnibus 2004 Motion”). The Omnibus 2004 Motion was granted, based, in part, on the
25 Declaration of Michael Fischer in support of the Omnibus 2004 Motion [Docket No. 129] (the
26 “Order”).

27 On July 10, 2017, Interested Parties Suk Hyon Kim, Kihoon Kang, Kevin Kim, and You
28 Rim Park filed a Motion for Order Vacating the Order based on lack of service to them, the

scope of examination being improper and because applicable rules were not followed in obtaining said Order.

Based on the moving papers, and for good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

- ~~1. The Order is Vacated in its Entirety;~~
- ~~2. Ehrenberg is directed to file individual motions for Rule 2004 Examinations which comply with local rules and which provide notice to any party whose records are being sought, whether directly or indirectly;~~
- ~~3. Ehrenberg shall segregate any produced documents pending further order from this court; and~~
- ~~4. The interested parties may file a motion for attorney's fees and costs.~~
1. The motion to vacate the Rule 2004 examination order is denied because:
 - (1) there is no evidence in support of the motion as required by Local Bankruptcy Rule 9013-1(i); and (2) no notice of hearing on the motion was given as required by Local Bankruptcy Rule 9013-1(a), (c) and (d). See also, Local Bankruptcy Rule 2004-1(f)(motions for protective order regarding Rule 2004 examinations require notice of hearing under Local Bankruptcy Rule 9013-1(d), or on shortened notice under Local Bankruptcy Rule 9075-1).
2. The denial of the motion to vacate order is without prejudice.

IT IS SO ORDERED. ###

Date: July 10, 2017



Robert Kwan
United States Bankruptcy Judge